

**IN THE COURT OF COMMON PLEAS OF  
LICKING COUNTY, OHIO**

LUCAS GORTON

CASE NO. 11CV 1599

Plaintiff(s),

JUDGE

v.

PENELOPE PERSON, et al.

Defendant(s).

**ANSWER OF DEFENDANT PENELOPE PERSON  
TO PLAINTIFF'S COMPLAINT  
(WITH JURY DEMAND ENDORSED HEREON)**

Now come the Defendant, Penelope Person, by and through her undersigned counsel, and for her Answer to Plaintiff's Complaint makes the following admissions, denials, and sets forth these affirmative defenses.

**First Defense**

1. This Court lacks personal jurisdiction over this Defendant.

**Second Defense**

1. There may have been an insufficiency or impropriety of service or of process upon this answering Defendant.

**Third Defense**

1. This Defendant admits the allegations contained in paragraph 1 of Plaintiff's Complaint.
2. This Defendant admits the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. With regard to the multiple allegations contained in paragraph 3 of Plaintiff's Complaint, Defendant Penelope Person admits that she has been a student at Denison University but denies that the stated address is her legal residence.



4. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of Plaintiff's Complaint, and therefore denies the same at this time.
5. With regard to the multiple allegations contained in paragraph 5 of Plaintiff's Complaint, this Defendant admits that Dyer claims such information but denies that the same is true.
6. With regard to the multiple allegations contained in paragraph 6 of Plaintiff's Complaint, this Defendant admits that Gustafson claims such information but denies that the same is true.
7. With regard to the multiple allegations contained in paragraph 7 of Plaintiff's Complaint, this Defendant admits that Gustafson claims such information but denies that the same is true.
8. With regard to the multiple allegations contained in paragraph 8 of Plaintiff's Complaint, this Defendant admits that Spruill claims such information but denies that the same is true.
9. With regard to the multiple allegations contained in paragraph 9 of Plaintiff's Complaint, this Defendant admits that Dacey claims such information but denies that the same is true.
10. With regard to the multiple allegations contained in paragraph 10 of Plaintiff's Complaint, this Defendant admits that DiFilippo claims such information but denies that the same is true.
11. With regard to the multiple allegations contained in paragraph 11 of Plaintiff's Complaint, this Defendant admits that Lilley claims such information but denies that the same is true.

12. With regard to the multiple allegations contained in paragraph 12 of Plaintiff's Complaint, this Defendant admits that Lilley claims such information but denies that the same is true.
13. With regard to the multiple allegations contained in paragraph 13 of Plaintiff's Complaint, this Defendant admits that Palms claims such information but denies that the same is true.
14. With regard to the multiple allegations contained in paragraph 14 of Plaintiff's Complaint, this Defendant admits that Wilhelm claims such information but denies that the same is true.
15. With regard to the multiple allegations contained in paragraph 15 of Plaintiff's Complaint, this Defendant admits that Biddle claims such information but denies that the same is true.
16. With regard to the multiple allegations contained in paragraph 16 of Plaintiff's Complaint, this Defendant admits that Gustafson claims such information but denies that the same is true.
17. With regard to the multiple allegations contained in paragraph 17 of Plaintiff's Complaint, this Defendant admits that Gustafson claims such information but denies that the same is true.
18. With regard to the multiple allegations contained in paragraph 18 of Plaintiff's Complaint, this Defendant admits that Smith claims such information but denies that the same is true.

19. With regard to the multiple allegations contained in paragraph 19 of Plaintiff's Complaint, this Defendant admits that Spruill claims such information but denies that the same is true.
20. With regard to the multiple allegations contained in paragraph 20 of Plaintiff's Complaint, this Defendant admits that Johnson claims such information but denies that the same is true.
21. With regard to the multiple allegations contained in paragraph 21 of Plaintiff's Complaint, this Defendant admits that Biddle claims such information but denies that the same is true.
22. This Defendant denies the allegations of paragraph 22 of Plaintiff's Complaint as worded by Plaintiff.
23. This Defendant admits the allegations contained in paragraph 23 of Plaintiff's Complaint.
24. This Defendant admits the allegations contained in paragraph 24 of Plaintiff's Complaint.
25. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of Plaintiff's Complaint, and therefore denies the same at this time.
26. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of Plaintiff's Complaint, and therefore denies the same at this time.
27. This Defendant admits the allegations contained in paragraph 27 of Plaintiff's Complaint.
28. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of Plaintiff's Complaint, and therefore denies the same at this time.

29. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of Plaintiff's Complaint, and therefore denies the same at this time.
30. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of Plaintiff's Complaint, and therefore denies the same at this time.
31. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of Plaintiff's Complaint, and therefore denies the same at this time.
32. In response to paragraph 32 of Plaintiff's Complaint, this Defendant admits only that the COC speaks for itself as the language contained, but agrees that consent is always necessary.
33. In response to paragraph 33 of Plaintiff's Complaint, this Defendant admits only that the COC speaks for itself as the language contained, but agrees that consent is always necessary.
34. In response to paragraph 34 of Plaintiff's Complaint, this Defendant admits only that the DSA speaks for itself as the language contained, but agrees that consent is always necessary.
35. This Defendant admits the allegations contained in paragraph 35 of Plaintiff's Complaint.
36. This Defendant admits the allegations contained in paragraph 36 of Plaintiff's Complaint.
37. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of Plaintiff's Complaint, and therefore denies the same at this time.

38. In response to paragraph 38 of Plaintiff's Complaint, the SBC's findings speak for themselves as their content require no further response.

39. In response to paragraph 39 of Plaintiff's Complaint, the COC and its language and definition speak for themselves and require no further response.

40. This Defendant denies the allegations contained in paragraph 40 of Plaintiff's Complaint.

41. In response to paragraph 41 of Plaintiff's Complaint, the SCB findings speak for themselves and require no further response.

42. In response to paragraph 42 of Plaintiff's Complaint, the COC findings speak for themselves and require no further response.

43. This Defendant denies the allegations of paragraph 43 of Plaintiff's Complaint.

44. This Defendant denies the allegations of paragraph 44 of Plaintiff's Complaint.

45. This Defendant denies the allegations of paragraph 45 of Plaintiff's Complaint.

46. This Defendant denies the allegations of paragraph 46 of Plaintiff's Complaint.

47. This Defendant denies the allegations of paragraph 47 of Plaintiff's Complaint.

48. This Defendant denies the allegations of paragraph 48 of Plaintiff's Complaint.

49. This Defendant denies the allegations of paragraph 49 of Plaintiff's Complaint.

50. This Defendant denies the allegations of paragraph 50 of Plaintiff's Complaint.

51. This Defendant denies the allegations of paragraph 51 of Plaintiff's Complaint.

52. This Defendant denies the allegations of paragraph 52 of Plaintiff's Complaint.

53. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of Plaintiff's Complaint, and therefore denies the same at this time.

54. This Defendant denies the allegations of paragraph 54 of Plaintiff's Complaint.



55. This Defendant denies the allegations of paragraph 55 of Plaintiff's Complaint.

56. This Defendant denies the allegations of paragraph 56 of Plaintiff's Complaint.

57. This Defendant denies the allegations of paragraph 57 of Plaintiff's Complaint.

58. This Defendant denies the allegations of paragraph 58 of Plaintiff's Complaint.

59. With regard to the allegations contained in paragraph 59 of Plaintiff's Complaint, the

SCB findings speak for themselves and require no further response.

60. This Defendant denies the allegations of paragraph 60 of Plaintiff's Complaint.

61. This Defendant denies the allegations of paragraph 61 of Plaintiff's Complaint.

62. In response to paragraph 62 of Plaintiff's Complaint, the SCB findings and Dennison

Appeal Board speak for themselves and require no further response.

63. This Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations contained in paragraph 63 of Plaintiff's Complaint, and therefore

denies the same at this time.

64. This Defendant denies the allegations of paragraph 64 of Plaintiff's Complaint.

65. This Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations contained in paragraph 65 of Plaintiff's Complaint, and therefore

denies the same at this time.

66. This Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations contained in paragraph 66 of Plaintiff's Complaint, and therefore

denies the same at this time.

67. This Defendant denies the allegations of paragraph 67 of Plaintiff's Complaint.

68. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of Plaintiff's Complaint, and therefore denies the same at this time.
69. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of Plaintiff's Complaint, and therefore denies the same at this time.
70. In response to paragraph 70 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.
71. This Defendant denies the allegations of paragraph 71 of Plaintiff's Complaint.
72. This Defendant admits the allegations contained in paragraph 72 of Plaintiff's Complaint, except that the allegations contained in paragraph 72 contain several terms that are undefined and unexplained and therefore this must be denied.
73. This Defendant denies the allegations of paragraph 73 of Plaintiff's Complaint.
74. This Defendant denies the allegations of paragraph 74 of Plaintiff's Complaint.
75. This Defendant denies the allegations of paragraph 75 of Plaintiff's Complaint.
76. This Defendant denies the allegations of paragraph 76 of Plaintiff's Complaint.
77. In response to paragraph 77 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.
78. This Defendant denies the allegations of paragraph 78 of Plaintiff's Complaint.
79. This Defendant admits the allegations of paragraph 76 of Plaintiff's Complaint, except that the allegations contained in paragraph 79 contain several terms that are undefined and unexplained and therefore this must be denied.
80. This Defendant denies the allegations of paragraph 80 of Plaintiff's Complaint.



81. This Defendant denies the allegations of paragraph 81 of Plaintiff's Complaint.

82. This Defendant denies the allegations of paragraph 82 of Plaintiff's Complaint.

83. This Defendant denies the allegations of paragraph 83 of Plaintiff's Complaint.

84. In response to paragraph 84 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

85. This Defendant denies the allegations of paragraph 85 of Plaintiff's Complaint.

86. This Defendant denies the allegations of paragraph 86 of Plaintiff's Complaint.

87. This Defendant denies the allegations of paragraph 87 of Plaintiff's Complaint.

88. This Defendant denies the allegations of paragraph 88 of Plaintiff's Complaint.

89. In response to paragraph 89 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

90. This Defendant denies the allegations of paragraph 90 of Plaintiff's Complaint.

91. This Defendant denies the allegations of paragraph 91 of Plaintiff's Complaint.

92. In response to paragraph 92 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

93. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of Plaintiff's Complaint, and therefore denies the same at this time.

94. This Defendant denies the allegations of paragraph 94 of Plaintiff's Complaint.

95. This Defendant denies the allegations of paragraph 95 of Plaintiff's Complaint.

96. In response to paragraph 96 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

97. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 97 of Plaintiff's Complaint, and therefore denies the same at this time.

98. This Defendant denies the allegations of paragraph 98 of Plaintiff's Complaint.

99. In response to paragraph 99 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

100. This Defendant denies the allegations of paragraph 100 of Plaintiff's Complaint.

101. This Defendant denies the allegations of paragraph 101 of Plaintiff's Complaint.

102. This Defendant denies the allegations of paragraph 102 of Plaintiff's Complaint.

103. This Defendant denies the allegations of paragraph 103 of Plaintiff's Complaint.

104. In response to paragraph 104 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

105. This Defendant denies the allegations of paragraph 105 of Plaintiff's Complaint.

106. This Defendant denies the allegations of paragraph 106 of Plaintiff's Complaint.

107. This Defendant denies the allegations of paragraph 107 of Plaintiff's Complaint.

108. In response to paragraph 108 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

109. This Defendant denies the allegations of paragraph 109 of Plaintiff's Complaint.

110. This Defendant denies the allegations of paragraph 110 of Plaintiff's Complaint.

111. This Defendant denies the allegations of paragraph 111 of Plaintiff's Complaint.

112. This Defendant denies the allegations of paragraph 112 of Plaintiff's Complaint.

113. In response to paragraph 113 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

114. This Defendant denies the allegations of paragraph 114 of Plaintiff's Complaint.

115. This Defendant denies the allegations of paragraph 115 of Plaintiff's Complaint.

116. In response to paragraph 116 of Plaintiff's Complaint, this Defendant adopts and incorporates the above paragraphs as if fully rewritten herein.

117. This Defendant denies the allegations of paragraph 117 of Plaintiff's Complaint, as well as any and all allegations not specifically admitted to be true above.

**Fourth Defense**

118. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**Fifth Defense**

119. Defendant Person asserts to the defenses of factual truth and opinion to the allegations of Plaintiff's Complaint.

**Sixth Defense**

120. Plaintiff may have failed to exhaust his administrative for legal remedies.

**Seventh Defense**

121. Plaintiff's claim may be barred in whole or in part by the equitable doctrines of waiver, estoppel, laches or unclean hands.

**Eighth Defense**

122. Plaintiff's claimed damages were caused or contributed to be caused by the improper acts of others over which this Defendant had no control.

**Ninth Defense**

123. This claim has been improperly venued.

**Tenth Defense**

**Tenth Defense**

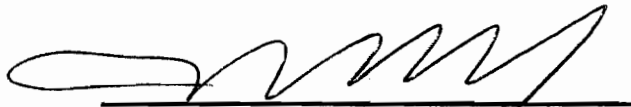
124. Defendant Person may have an immunity or other protection from Plaintiff's claims.

**Eleventh Defense**

125. Defendant reserves the right to list any and all applicable defenses that become available and necessary through discovery or disclosures and as permitted by the Court.

**WHEREFORE** Defendant, Penelope Person prays that Plaintiff's Complaint be dismissed with prejudice and terminated. This Defendant is entitled to recover her costs, fees and expenses incurred herein plus any other relief deemed appropriate by the Court.

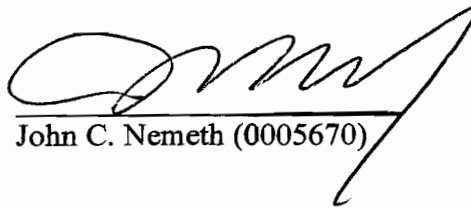
Respectfully submitted,



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David A. Herd (0059448)  
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Attorney for Defendant Penelope Person

**JURY DEMAND**

Now comes the Defendant, Penelope Person by and through her undersigned counsel, and hereby demands a jury to hear the within cause.

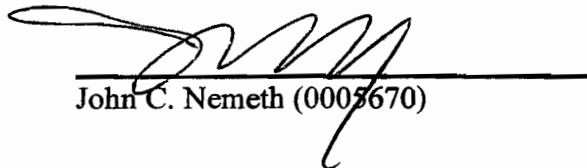


John C. Nemeth (0005670)

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing was served by regular U.S. mail,  
postage pre-paid on this 21 day of December, 2011 upon:

Eric Rosenberg  
The Rosenberg Law Office, Co, Lpa.  
395 North Pearl Street  
Granville, OH 43023  
*Attorney for Plaintiff*



John C. Nemeth (0005670)